

REMARKS

This is in response to the Official Action marked December 23, 2004 which has been made final by the Examiner.

Applicants' representative appreciated the opportunity to discuss the proposed amendments with the Examiner on May 9, 2005, wherein the Examiner indicated that the proposed amendment appears to make the claimed invention novel and inventive over the sole remaining prior art patent reference of record, Kirkpatrick, U.S. Patent No. 3,434,588.

No new subject matter has been added by way of these amendments. Furthermore, no new issues are raised for consideration either as these amendments are reflective of grammatical and/or typographical errors which have been corrected.

The Applicants through the undersigned representative respectfully re-assert that the claimed invention is both novel and inventive over the sole remaining prior art patent reference of record, Kirkpatrick, U.S. Patent No. 3,434,588, for the following reasons:

Kirkpatrick does not describe an "antiskinning layer" that, in use, "substantially reduces the amount of skinning of the formulation" as described in the present application. The Applicants have found that the presence of the antiskinning layer as defined in the claimed invention in fact substantially reduces any paint drying or skinning of the paint formulation within the container. As discussed with the Examiner, the Examples in the present specification clearly demonstrate substantial reductions in paint skinning relative to an untreated container. In fact, Examples 9 and 10 show that complete prevention of skinning is possible with a polypropylene cloth or polypropylene matting is employed.

The term "anti-skinning layer" as defined in the independent claims requires that the anti-skinning layer retains a layer of liquid formulation on the anti-skinning layer and substantially reduces the amount of skinning of the formulation. Claims 54, 67 and 108 also define that the

concentration of the liquid formulation (that is the water or solvent concentration of the formulation) retained on the antiskinning layer is maintained.

In contrast, Kirkpatrick is directed to the modification of the internal surface of the container to ensure that any dried paint skin is physically retained on the internal surface of the paint container. In other words, the internal surface of the container has been modified to ensure that dried paint deposits adhere to the surface of the paint container. There is no teaching or suggestion in the Kirkpatrick document that the actual amount of paint skinning that occurs during the storage of paint is in fact reduced as a result of the modification of the internal surface of the paint container.

Applicants further respectfully state that the Examiner's statement on page 4, lines 5 and 6 (and on page 5 lines 7-8 under point 8) of the Action that the Kirkpatrick reference states at Column 2, lines 36-40 that a layer of liquid formulation is retained on the anti-skinning layer. In fact this passage refers to the retention of dried paint.

In view of the aforesaid, it is submitted that the claimed invention is patentably distinguished over the Kirkpatrick reference and no further search or consideration is deemed necessary in order to finally consider the patentability of the claimed invention.

Applicants therefore respectfully request the issuance of a Notice of Allowance for all of the reasons stated herein above.

Date: _____

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Respectfully Submitted,

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